

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**IN RE: PHILIPS RECALLED CPAP, BI-  
LEVEL PAP, AND MECHANICAL  
VENTILATOR PRODUCTS LIABILITY  
LITIGATION**

**Master Docket: Misc. No. 21-01230**

**This Document Relates To:**  
*All Actions*

**MDL NO. 3014**

**JOINT NOTICE OF UPDATED TIMELINE OF PERTINENT MDL DATES**

The parties jointly submit this updated timeline of upcoming deadlines in *In Re: Philips Recalled CPAP, Bi-Level PAP, and Mechanical Ventilator Products Litigations* (MDL No. 3014).<sup>1</sup>

<b>Date</b>	<b>Event</b>	<b>ECF No.</b>
4/21/2023	Deadline for Philips RS and PolyTech to file replies in support of their motions to dismiss the Medical Monitoring Complaint	967
4/21/2023	Deadline for Philips RS and PolyTech to file replies in support of their motions to dismiss the Personal Injury Complaint	967
4/28/2023	Deadline for KPNV's reply in support of its Rule 12(b)(2) motions to dismiss the Economic Loss, Medical Monitoring, and Personal Injury Complaints for lack of personal jurisdiction	1577
4/28/2023	Deadline for the non-Philips RS Philips Defendants' consolidated reply in support of their Rule 12(b)(6) motions to dismiss the Economic Loss, Medical Monitoring and Personal Injury Complaints for failure to state a claim	1577
4/28/2023	Deadline for any Plaintiffs' motions to remand to state court <sup>2</sup>	701

<sup>1</sup> The Parties intend this notice to be a reference resource for the Court. The Parties do not intend this notice and the summaries of the deadlines to supersede the terms in the Court's orders.

<sup>2</sup> The Parties intend to file a Motion To Amend Pretrial Order No. 22 to extend the deadlines relating to motions to remand by four months.

<b>Date</b>	<b>Event</b>	<b>ECF No.</b>
6/28/2023	Deadline to file Defendants' Responses to any motions to remand to State Court (or Consolidated Response, if determined to be more efficient and effective) <sup>3</sup>	701
7/28/2023	Deadline to file Plaintiffs' Replies in support of any motions to remand to State Court <sup>4</sup>	701

Pursuant to Pretrial Order #28 (ECF No. 783), the following procedures and deadlines apply to the Amended Master Personal Injury Complaint and Individual Short Form Personal Injury Complaints.

<b>Date</b>	<b>Event</b>
Within sixty (60) days of the date on which the Court issues a ruling as to its motion to dismiss the Amended Master Personal Injury Complaint <sup>5</sup>	Deadline for Defendant to file a Master Answer to the Amended Master Personal Injury Complaint.
Within forty-five (45) days of the date on which the Court issues a ruling granting Plaintiffs' Co-Lead Counsel leave to amend the Amended Master Personal Injury Complaint	Deadline for Plaintiffs' Co-Lead Counsel to file a Second Amended Master Personal Injury Complaint
Within fourteen (14) days of filing a Short Form Complaint	Deadline for Personal Injury Plaintiffs to upload their Short Form Complaint to the online MDL Centrality System accessible at <a href="http://www.mdlcentrality.com/">www.mdlcentrality.com/</a> pursuant to Pretrial Order # 27
Within twenty-one (21) days after service of the Master Answers to the Amended Master Personal Injury Complaint by Defendants	Deadline for any Personal Injury Plaintiff, who has filed a Short Form Complaint, to amend the same for any reason
Within twenty-one (21) days after service of Short Form Complaint	Deadline for any Personal Injury Plaintiff, who files a Short Form Complaint after the filing of the Master Answers to the Amended Master Personal Injury Complaint, to amend the same for any reason

<sup>3</sup> The Parties intend to file a Motion To Amend Pretrial Order No. 22 to extend the deadlines relating to motions to remand by four months.

<sup>4</sup> The Parties intend to file a Motion To Amend Pretrial Order No. 22 to extend the deadlines relating to motions to remand by four months.

<sup>5</sup> If a motion to dismiss the Amended Master Personal Injury Complaint does not result in the dismissal of the Amended Master Personal Injury Complaint in its entirety, and provided that the Court does not grant leave to amend the Amended Master Personal Injury Complaint.

Date	Event
Within twenty-one (21) days after selection for inclusion in the pool from which bellwether cases are to be selected	Deadline for any Personal Injury Plaintiff, whose case is subsequently chosen for inclusion in the pool from which bellwether cases are to be selected, to amend his or her Short Form Complaint

Date: April 18, 2023

Respectfully submitted,

/s/ John P. Lavelle, Jr.

John P. Lavelle, Jr.

Lisa C. Dykstra

**MORGAN, LEWIS & BOCKIUS LLP**

1701 Market Street

Philadelphia, PA 19103-2921

T 215.963.5000

john.lavelle@morganlewis.com

lisa.dykstra@morganlewis.com

/s/ Wendy West Feinstein

Wendy West Feinstein

**MORGAN, LEWIS & BOCKIUS LLP**

One Oxford Center, 32nd Floor

Pittsburgh, PA 15219-6401

T 412.560.3300

wendy.feinstein@morganlewis.com

*Counsel for Defendant Philips RS North America, LLC*

/s/ Michael H. Steinberg

Michael H. Steinberg

**SULLIVAN & CROMWELL LLP**

1888 Century Park East

Los Angeles, CA 90067

T (310) 712-6670

steinbergm@sullcrom.com

/s/ Tracy Richelle High

Tracy Richelle High

William B. Monahan

**SULLIVAN & CROMWELL LLP**

125 Broad Street

New York, NY 10004

T (212) 558-7375

hight@sullcrom.com

monahanw@sullcrom.com

/s/ Kelly K. Iverson

Kelly K. Iverson

**LYNCH CARPENTER, LLP**

1133 Penn Avenue, 5th Floor

Pittsburgh, PA 15222

(412) 322-9243 (phone)

kelly@lcllp.com

/s/ Christopher A. Seeger

Christopher A. Seeger, Esquire

**SEEGER WEISS LLP**

55 Challenger Road, 6<sup>th</sup> Floor

Ridgefield Park, NJ 07660

(973) 639-9100 (phone)

cseeger@seegerweiss.com

/s/ Sandra L. Duggan

Sandra L. Duggan, Esquire

**LEVIN SEDRAN & BERMAN LLP**

510 Walnut Street, Suite 500

Philadelphia, PA 19106

(215) 592-1500 (phone)

(215) 592-4633 (fax)

sduggan@lfsblaw.com

/s/ Steve A. Schwartz

Steve A. Schwartz

**CHIMICLES SCHWARTZ KRINER &**

**DONALDSON-SMITH LLP**

361 West Lancaster Avenue

One Haverford Centre

Haverford, PA 19041

(610) 642-8500 (phone)

steveschwartz@chimicles.com

*Plaintiffs' Co-Lead Counsel*

*Counsel for Defendants Koninklijke Philips  
NV, Philips North America LLC, Philips  
Holding USA Inc., and Philips RS North  
America Holding Corporation*

/s/ Eric Scott Thompson

Eric Scott Thompson  
**FRANKLIN & PROKOPIK**  
500 Creek View Road, Ste. 502  
Newark, DE 19711  
302-594-9780  
ethompson@fandpnet.com

*Attorney for Defendant Polymer  
Technologies, Inc. Elastomeric Solutions  
Division*

/s/ D. Aaron Rihn

D. Aaron Rihn, Esquire  
**ROBERT PEIRCE & ASSOCIATES, P.C.**  
707 Grant Street  
Suite 125  
Pittsburgh, PA 15219  
412-281-7229  
412-281-4229 (fax)  
arihn@peircelaw.com

*Plaintiffs' Co-Liaison Counsel*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was filed via the Court's CM/ECF system on this 18th day of April 2023 and is available for download by all counsel of record.

/s/ D. Aaron Rihn

D. Aaron Rihn, Esquire

PA I.D. No.: 85752

ROBERT PEIRCE & ASSOCIATES, P.C.

707 Grant Street

Suite 125

Pittsburgh, PA 15219

Tel: 412-281-7229

Fax: 412-281-4229

arihn@peircelaw.com